(3)

CF100/

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 2355 OF 2003

PETITIONER : Smt. Nirmala Bai Yadav, wife of late Chhabiram Yadav, aged about 30 years, resident of Village-Pali Post Office-Guru, Via Chakarbhatha, District-Bilaspur, (C.G.)

V E R S U S

RESPONDENTS : 1. State of Chhattisgarh, through Secretary, Department of Irrigation, Mantralay, D.K.S. Building, Raipur, District-Raipur, (C.G.)

: 2. The Chief Engineer, Hasdeo Bango Project, Bilaspur, (C.G.)

3. The Executive Engineer, Hasdeo Canal Water Management Division, Janjgir, District-Janjgir-Champa, (C.G.)

P. R. No. 2355/03
Presented by Shri Manoj Kr. Pandey
dated 02.05.03

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

(17)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.2355/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	28/08/2003: -	
	Heard Shri Sanjay S. Agrawal counsel for the petitioner and Shri Ranbir Singh, Govt. Advocate, for the State/respondents, on advance copy.	
	By this writ petition under Articles 226/227 of the Constitution of India the petitioner seeks for issuance of a writ of mandamus directing the respondents to grant compassionate appointment to him.	
	The case of the petitioner is that the petitioner is the widow of late Chhabiram Yadav. Chhabiram Yadav was working as Assistant Grade-III in the office of respondent no.3. During the course of his employment he died on 18/08/1996. After the death of Chhabiram Yadav the petitioner had made an application for compassionate appointment before respondent No.3 / Executive Engineer. Respondent No.3 vide order dated 02709/2002 (Annexure-P/1) accepted the claim of the petitioner and made a recommendation to the higher authorities for giving compassionate appointment to the petitioner holding that there is no regular post of Class-IV and if any post is falling vacant the claim of the petitioner will be considered. Since then almost ten months has elapsed though the vacancies are available in the department and as per the policy of the Government	

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the vacant post of SC/ST and OBC are being filled up directly by the Government, but the respondents are not giving compassionate appointment to the petitioner deliberately.

I have heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioner submits that in spite of the order (Annexure-P/1) and moreover the petitioner is an OBC candidate respondent No.3 is not giving appointment to the petitioner.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case and the order (Annexure-P/1) mentioning the name of the petitioner for compassionate appointment has been accepted and it has been observed that at the relevant time no post of Class-IV was lying vacant and as and when there will be vacancy the petitioner will be appointed on that post, the petitioner is allowed to make a representation to respondent No.2 within ten days raising her all grievances. On receiving the representation of the petitioner Respondent no.2 the Chief Engineer, Hasdeo Bango Project, Bilaspur shall consider the same within a period of 45 days from the date of receipt of receipt of the representation and if any vacancy is existing

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	pass an appropriate order in compliance of Annexure-P/1 already issued by respondent no.3 for giving compassionate appointment to the petitioner. With the above observation, the petition is disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	

Brajesh/-